

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
TIMOTHY DIFIORE	:	VIOLATIONS:
	:	21 U.S.C. § 846 (conspiracy to distribute
	:	and possess with intent to distribute
	:	Schedule II controlled substances
	:	- 1 count)
	:	18 U.S.C. § 2118 (pharmacy burglary
	:	involving theft of controlled substances
	:	- 1 count)
	:	21 U.S.C. § 841(a)(1) (possession with
	:	intent to distribute Schedule II controlled
	:	substances - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. On or about April 7, 2005, in Plumsteadville, in the Eastern District of Pennsylvania, and elsewhere, defendant

TIMOTHY DIFIORE

conspired and agreed with others known and unknown to the grand jury to knowingly and intentionally distribute and possess with intent to distribute more than 8,700 tablets containing controlled substances, including but not limited to, oxycontin, oxycodone, percocet and endocet tablets, each a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(c).

MANNER AND MEANS

2. It was a part of the conspiracy that defendant **TIMOTHY DIFIORE** and others known and unknown to the grand jury unlawfully entered a pharmacy in the early morning hours, at a time when the pharmacy was not open for business; and stole controlled substances maintained inside the pharmacy for resale.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendant **TIMOTHY DIFIORE** and others known and unknown to the grand jury committed the following overt acts, among others, in the Eastern District of Pennsylvania, and elsewhere:

The Village Pharmacy

On or about April 7, 2005:

1. Defendant **TIMOTHY DIFIORE** and another person unknown to the grand jury drove to the Village Pharmacy (the pharmacy) located at 5570 Easton Road, Plumsteadville, Pennsylvania.

2. Defendant **TIMOTHY DIFIORE** and another person unknown to the grand jury broke into the pharmacy and stole pharmaceutical controlled substances, including oxycontin, oxycodone, percocet and endocet tablets, which they abandoned when law enforcement officers arrived to investigate the burglary of the pharmacy.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 7, 2005, in Plumsteadville, Bucks County, in the Eastern District of Pennsylvania, defendant

TIMOTHY DIFIORE,

knowingly and without authority, entered the business premises of the Village Pharmacy 5570 Easton Road, Plumsteadville, Pennsylvania, a pharmacy owned by a person registered with the Drug Enforcement Administration under Section 302 of the Controlled Substances Act (18 U.S.C. § 822), with the intent to steal materials and compounds containing any quantity of a controlled substance, including, but not limited to, oxycontin, oxycodone, percocet, and endocet tablets, each a Schedule II controlled substance.

In violation of Title 18, United States Code, Section 2118.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 7, 2005, in Plumsteadville, in the Eastern District of Pennsylvania, defendant

TIMOTHY DIFIORE

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, more than 8,700 tablets containing a controlled substance, including but not limited to, oxycontin, oxycodone, percocet and endocet tablets, each a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1), set forth in this indictment, defendant

TIMOTHY DIFIORE

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses; and

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses.

2. If any of the property, subject to forfeiture, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with a third person;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be

subdivided without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney